



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

Robert L. Morgan
State Engineer

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BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

RE: **Keith & Beth James**)
Water Right No(s). 71-1454,
71-1608, 71-1672, 71-1889,)
71-1890)

UNLAWFUL USE OF WATER IN EXCESS OF WATER RIGHT

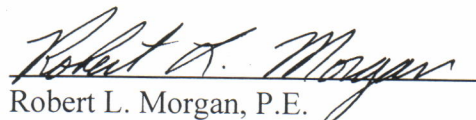
According to Utah Code Ann. Section 73-3-1, no appropriation of water may be made and no rights to the use of water may be initiated without an application approved by the State Engineer. Water Right No(s). 71-1454, 71-1608, 71-1672, 71-1889, 71-1890 allow the irrigation of 553.00 acres and the watering of 250 head of livestock with a limitation on annual use of 2,212.00 acre feet of water.

A comparison of aerial photography taken in mid-June 1997 with the updated water rights map shows that you are irrigating 44.50 acres more than allowed by Water Right No(s). 71-1454, 71-1608, 71-1672, 71-1889, 71-1890. The attached map shows the location of the unlawfully irrigated land.

In October 1996 you were sent an ORDER to cease the use of all water in excess of the uses and limits set forth in Water Right No(s). 71-1454, 71-1608, 71-1672, 71-1889, 71-1890. The ORDER remains in effect. You are not in compliance with the ORDER, therefore, you are subject to legal proceedings being commenced against you by the State Engineer. The State Engineer is undertaking an enforcement action in the Milford area in relation to the irrigation of unlawful acres. As resources allow, legal proceedings will be commenced against those irrigators who continue to irrigate land in excess of their water right. If you continue to unlawfully irrigate the acres described above, legal proceedings will be commenced against you.

I strongly urge you to give this matter your immediate attention. Should you have questions regarding this notice, please contact Kerry Carpenter, Regional Engineer, at 586-4231 or Lee Sim, Assistant State Engineer, at 538-7380.

Dated this 15th day of October, 1997.


Robert L. Morgan, P.E.
State Engineer

cc: Kerry Carpenter
LaVar Davis

Enclosure



Is your **RETURN ADDRESS** completed on the reverse side?

SENDER: ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		3. Article Addressed to: <i>Keith & Beth James</i> <i>PO Box 200</i> <i>Milford UT 84751</i>	
4a. Article Number <i>P 991 245 118</i>		4b. Service Type <input type="checkbox"/> Registered <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
5. Received By: (Print Name) 		6. Signature: (Addressee or Agent) <i>[Signature]</i>	
7. Date of Delivery <i>10-20-97</i>		8. Addressee's Address (Only if requested and fee is paid) 	

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

P 991 245 118

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
 NOT FOR INTERNATIONAL MAIL
 (See Reverse)

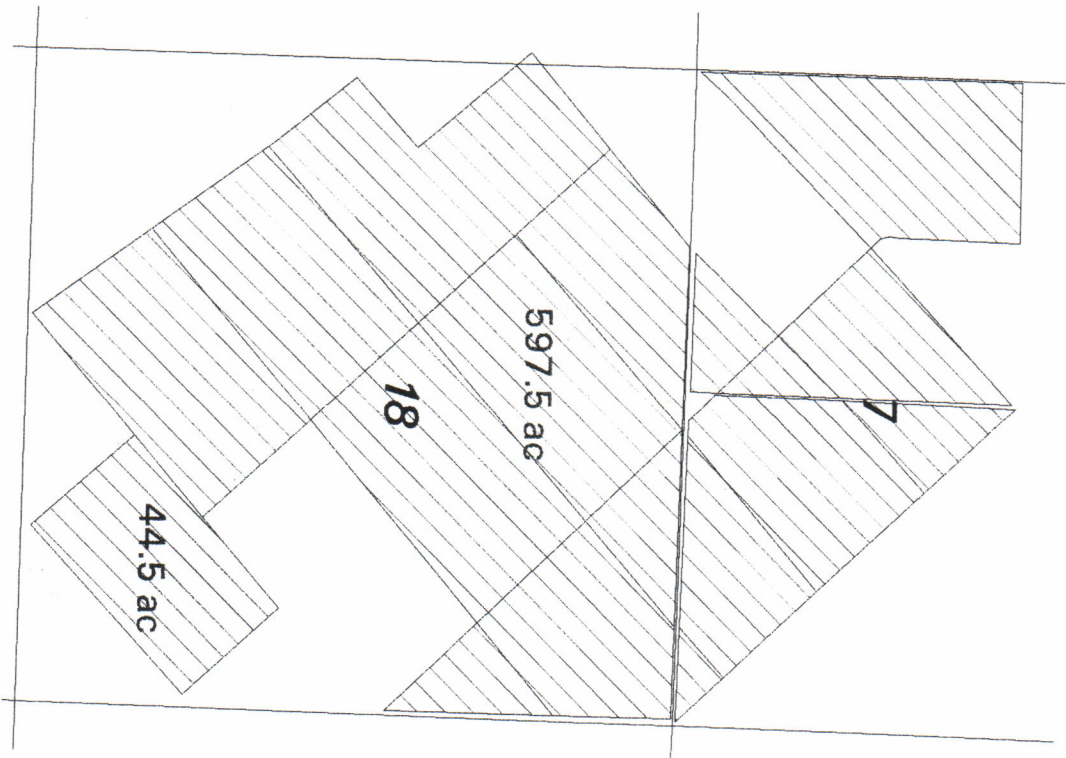
Sent to		<i>Water Rights</i>	
Street and No.		<i>PO Box 140300</i>	
P.O., State and ZIP Code		<i>SLC UT 84114-6300</i>	
Postage		\$	
Certified Fee			
Special Delivery Fee			
Restricted Delivery Fee			
Return Receipt showing to whom and Date Delivered			
Return Receipt showing to whom, Date, and Address of Delivery			
TOTAL Postage and Fees			
Postmark or Date			

PS Form 3800, June 1985



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Keith & Beth James



